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Details of Filing

Document Lodged: Affidavit - Form 59 - Rule 29.02(1)
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
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File Number: VID420/2025
File Title: IN THE MATTER OF ONESTEEL MANUFACTURING PTY LIMITED
(ADMINISTRATORS APPOINTED) ACN 004 651 325
Registry: VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



Sia Lagos

Registrar

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This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

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Form 59
Rule 29.02(1)

AFFIDAVIT

No. VID420 of 2025

Federal Court of Australia
District Registry: Victoria
Division: Commercial and Corporations List

IN THE MATTER OF ONESTEEL MANUFACTURING PTY LTD (ADMINISTRATORS APPOINTED) ACN 004 651 325

SEBASTIAN DAVID HAMS, MARK FRANCIS XAVIER MENTHA, LARA LUISA WIGGINS AND MICHAEL ANTHONY KORDA IN THEIR CAPACITY AS JOINT AND SEVERAL ADMINISTRATORS OF ONESTEEL MANUFACTURING PTY LTD (ADMINISTRATORS APPOINTED) ACN 004 651 325

First Plaintiffs

ONESTEEL MANUFACTURING PTY LTD (ADMINISTRATORS APPOINTED) ACN 004 651 325

Second Plaintiff

WHYALLA PORTS PTY LTD ACN 153 225 364

Defendant

Affidavit of: **Raphael Yehudah Leibler**
Address: Level 21, 333 Collins Street, Melbourne VIC 3000, Australia
Occupation: Solicitor
Date: 4 April 2025

Contents

Document number	Details	Paragraph	Page
1	Affidavit of Raphael Yehudah Leibler affirmed on 4 April 2025.	N/A	1
2	Annexure "RYL-1", being a paginated bundle of documents annexed and shown to the deponent at the time of affirming.	N/A	6

Filed on behalf of: the First Plaintiffs
Prepared by: Leon Zwier
Law firm: **ARNOLD BLOCH LEIBLER**
Tel: 9229 9999 Fax: 9229 9900
Email: lzwier@abl.com.au
Address for service: Level 21, 333 Collins Street, Melbourne, VIC 3000

Ref: 011929197

I, **RAPHAEL YEHUDAH LEIBLER** of Level 21, 333 Collins Street, Melbourne, Victoria, 3000, solicitor, affirm:

- 1 I am a Partner at Arnold Bloch Leibler (**ABL**), the solicitors for the First Plaintiffs (**Administrators**). I have the care and conduct of this matter, together with Leon Zwier and Genevieve Sexton.
- 2 Except where I otherwise indicate, I make this affidavit from my own knowledge. Where I depose to matters from information and belief, I believe those matters to be true.
- 3 I am not authorised to waive legal professional privilege. Nothing in this affidavit should be construed as a waiver of privilege. To the extent that anything in this affidavit may be so construed, I withdraw and do not rely on that part of this affidavit.
- 4 Exhibited and shown to me at the time of affirming this affidavit is a bundle of documents to which I refer in this affidavit that are paginated and marked "**RYL-1**." Where I refer to a document within **Annexure RYL-1**, I do so by referring to the page number within the bundle.

Correspondence with Norton Rose Fulbright

- 5 Paragraphs [41] to [47] of the affidavit, sworn by Michael Anthony Korda on 2 April 2025 (**Korda Affidavit**), detail the correspondence exchanged between ABL and Norton Rose Fulbright (**NRF**), solicitors for the Defendant. Following the filing of the Korda Affidavit, NRF and ABL have exchanged further correspondence which I set out below.
- 6 On 2 April 2025 at 5:41pm, ABL sent a letter to NRF enclosing sealed copies of the Originating Process dated 2 April 2025, the Korda Affidavit and exhibit MAK-1 to the Korda Affidavit by email to Laura Johns, Scott Atkins, Alex Mufford and Harry Lawless. The email sought confirmation that NRF accepted service of the documents on behalf of the Defendant. A copy of the email from ABL to NRF dated 2 April 2025 and covering letter (but excluding other attachments) is at **pages 8-10 of Annexure RYL-1**.
- 7 On 3 April 2025 at 9:40am, NRF sent an email to ABL acknowledging receipt of the email dated 2 April 2025 and confirming their instructions to accept service on behalf of the Defendant. A copy of the email from NRF to ABL dated 3 April 2025 is at **page 8 of Annexure RYL-1**.



- 8 On 3 April 2025 at 10:04 am, ABL sent a further email to NRF in relation to service of the filed documents. In that email ABL provided details of the first case management hearing and also sought a response to a 'without prejudice' proposal made to NRF. A copy of the email from ABL to NRF dated 3 April 2025 is at **pages 11-12 of Annexure RYL-1**.
- 9 On 3 April 2025 at 10:14am, NRF sent an email to ABL confirming acceptance of service and stating that they are seeking instructions on the balance of matters raised in ABL's email of 10:04 am. A copy of the email from NRF to ABL dated 3 April 2025 is at **page 11 of Annexure RYL-1**.
- 10 On 3 April 2025 at 4:37pm, ABL received an email attaching a letter from NRF, in which NRF requested a four-week adjournment of the proceeding and agreed that a suitable retired Judge or senior barrister be engaged to mediate the dispute. NRF also questioned the urgency and costs incurred in bringing the application, and foreshadowed that the Defendant may request certain information from the Administrators. A copy of the email and letter from NRF to ABL dated 3 April 2025 is at **pages 14-17 of Annexure RYL-1**.
- 11 On 4 April 2025 at 11:30am, ABL sent an email to NRF stating that the Administrators cannot afford a four-week delay to the hearing and determination of proceeding. ABL's response explained the importance of the proceeding, its urgency and the serious consequences for OneSteel, its creditors and broader stakeholders (including the township of Whyalla) and the National and State's better interests if the Administrators are unable to realise the OneSteel business and assets or recapitalise OneSteel within a limited period. In the email, ABL proposed the following orders:

- 1. The Defendant file and serve affidavits by 5 pm on Monday 14 April 2025;*
- 2. The Plaintiffs file and serve any affidavits in reply by 5 pm Thursday 17 April 2025;*
- 3. The parties file and exchange an outline of submissions with a 15 page limit by Thursday 24 April 2025;*
- 4. The proceeding be referred to a Registrar for mediation in the week commencing 7 April 2025;*

5. The proceeding be set down for trial in the week commencing Monday 28 April 2025 or so soon thereafter as the business of the Court allows on an estimate of one day.

A copy of the email from ABL to NRF dated 4 April 2025 is at **pages 13-14 of Annexure RYL-1.**

- 12 As at the date of making this affidavit, ABL has not received a response from NRF to its letter dated 4 April 2025.

Notice and Service of the Originating Process and Supporting Materials

Australian Securities and Investments Commission

- 13 On 3 April 2025 at 1:27pm, ABL sent a letter to Australian Securities and Investments Commission (**ASIC**) enclosing sealed copies of the Originating Process dated 2 April 2025, the Korda Affidavit and exhibit MAK-1 to the Korda Affidavit by email to Jennifer Reynolds and Tom O'Shea. In the covering letter, ABL provided details of the listing of the matter in this Court at 9:30am on 7 April 2025. A copy of the email from ABL to ASIC dated 3 April 2025 and covering letter (excluding other attachments) is at **pages 20-21 of Annexure RYL-1**
- 14 On 3 April 2025 at 2:52pm, ABL received an email from ASIC confirming receipt of ABL's email of 3 April 2025. A copy the email from ASIC dated 3 April 2025 is at **pages 19-20 of Annexure RYL-1.**
- 15 On 4 April 2025 at 12:59pm, ABL sent an email to ASIC, in which ABL explained that, in addition to the relief in respect of the Defendant, the Administrators intend to seek relief under section 447A of the *Corporations Act 2001* (Cth) that the Court give the Administrators a 'general disclaimer power akin to a Liquidator's disclaimer power'. ABL asked whether ASIC wishes to oppose, support or remain neutral in relation to the proceedings. A copy the email to ASIC dated 4 April 2025 is at **pages 18-19 of Annexure RYL-1.**
- 16 On 4 April at 2:17pm, ASIC sent an email to ABL stating that it does not propose to be heard in relation to the matters set out in ABL's email of 4 April 2025 at 12:59pm, and that ASIC has not formed the view that any aspect of the Administrators' application requires regulatory intervention or warrants the making of submissions before the Court by ASIC. A copy the email from ASIC dated 4 April 2025 is at **page 18 of Annexure RYL-1.**


NRW Holdings Limited and Golding Contractors Pty Limited

- 17 On 3 April 2025 at 1:28pm, ABL sent a letter to King & Wood Mallesons (**KWM**), solicitors for NRW Holdings Limited and Golding Contractors Pty Limited, enclosing sealed copies of the Originating Process dated 2 April 2025, the Korda Affidavit and exhibit MAK-1 to the Korda Affidavit by email to Nathan Collins, Tracey Dembo and Michael Garbellini. In the covering letter, ABL provided details of the listing of the matter in this Court at 9:30am on 7 April 2025. A copy of the email to Nathan Collins, Tracey Dembo and Michael Garbellini and covering letter (excluding other attachments) is at **page 22-23 of Annexure RYL-1.**
- 18 At the time of making this affidavit, ABL has not received a response from KWM to the email sent to KWM on 3 April 2025.

AFFIRMED by the deponent
at Melbourne
in Victoria
on 4 April 2025
Before me:

)
)
)
)
)


Signature of deponent


Signature of witness

A person authorised under section 19(1) of the *Oaths and Affirmations Act 2018* (Vic) to take an affidavit.

Erin Elizabeth Puckridge
Arnold Bloch Leibler
Level 21, 333 Collins Street, Melbourne 3000
An Australian Legal Practitioner
within the meaning of the
Legal Profession Uniform Law (Victoria)

CERTIFICATE IDENTIFYING ANNEXURE "RYL-1"

No. of 2025

Federal Court of Australia
District Registry: Victoria
Division: Commercial and Corporations List

IN THE MATTER OF ONESTEEL MANUFACTURING PTY LIMITED (ADMINISTRATORS APPOINTED) ACN 004 651 325

SEBASTIAN DAVID HAMS, MARK FRANCIS XAVIER MENTHA, LARA LUISA WIGGINS and MICHAEL ANTHONY KORDA IN THEIR CAPACITY AS JOINT AND SEVERAL ADMINISTRATORS OF ONESTEEL MANUFACTURING PTY LIMITED (ADMINISTRATORS APPOINTED) ACN 004 651 325

First Plaintiff

ONESTEEL MANUFACTURING PTY LIMITED (ADMINISTRATORS APPOINTED) ACN 004 651 325

Second Plaintiff

WHYALLA PORTS PTY LIMITED ACN 153 225 364

Defendant

Affidavit of: **Raphael Yehudah Leibler**
Address: Level 21, 333 Collins Street, Melbourne VIC 3000, Australia
Occupation: Australian Legal Practitioner
Date: 4 April 2025

This is the annexure marked "RYL-1" referred to in the affidavit of **Raphael Yehudah Leibler** sworn before me on 4 April 2025.



Erin Elizabeth Puckridge
Arnold Bloch Leibler
Level 21, 333 Collins Street, Melbourne 3000
An Australian Legal Practitioner
within the meaning of the
Legal Profession Uniform Law (Victoria)



Contents of Annexure RYL-1

No	Details	Paragraph	Page(s)
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3.	Email from ABL to NRF dated 3 April 2025	8	11-12
4.	Email from NRF to ABL dated 3 April 2025	9	11
5.	Email and letter from NRF to ABL dated 3 April 2025	10	14-17
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7.	Email from ABL to ASIC dated 3 April 2025 and covering letter	13	20-21
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9.	Email from ABL to ASIC dated 4 April 2025	15	18-19
10.	Email from ASIC to ABL dated 4 April 2025	16	18
11.	Email from ABL to KWM dated 3 April 2025	17	22-23



From: Laura Johns <laura.johns@nortonrosefulbright.com>
Sent: Thursday, 3 April 2025 9:40 AM
To: Leon Zwier; Scott Atkins; Alex Mufford; Harry Lawless
Cc: Genevieve Sexton; Raphael Leibler
Subject: RE: OneSteel Manufacturing Pty Limited (administrators appointed) and Whyalla Ports Pty Limited | Federal Court Proceeding VID420/2025 [NRF-APAC.1073247.4074507.FID3487581]

Dear Mr Zwier

We acknowledge receipt of your correspondence and enclosures and confirm our instructions to accept service on behalf of Whyalla Ports Pty Limited.

Please advise if you have received confirmation from the Court as to the listing time and date.

Kind regards

Laura

Laura Johns | Partner

Norton Rose Fulbright Australia

Level 5, 60 Martin Place, Sydney, Australia

Tel +61 2 9330 8101 | Mob +61 433 935 174 | Fax +61 2 9330 8111

laura.johns@nortonrosefulbright.com

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nortonrosefulbright.com



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From: Nicole Flint **On Behalf Of** Leon Zwier
Sent: Wednesday, 2 April 2025 5:41 PM
To: Laura Johns ; Scott Atkins ; Alex Mufford ; Harry Lawless
Cc: Genevieve Sexton ; Raphael Leibler
Subject: OneSteel Manufacturing Pty Limited (administrators appointed) and Whyalla Ports Pty Limited | Federal Court Proceeding VID420/2025

External Email - Use Caution

Please see **attached** letter.

Downloaded link (referred to in attached letter : <https://www.imanageshare-au.com/pd/1XwwXoBOKjw>)

Leon Zwier | Partner

Arnold Bloch Leibler

Level 21, 333 Collins Street, Melbourne Victoria 3000

E: LZwier@abl.com.au | T: +61 3 9229 9607 | M: +61 439 381 683 | [Vcard](#)

Wurundjeri Country

Arnold Bloch Leibler

Lawyers and Advisers

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MELBOURNE
SYDNEY

2 April 2025

By email

Laura Johns
Partner
Norton Rose Fulbright
Email laura.johns@nortonrosefulbright.com

Your Ref 4074507

File No. 011929197

Partner
Leon Zwier
Direct +61 3 9229 9607
lzwier@abl.com.au

Dear Laura,

**In the Matter of OneSteel Manufacturing Pty Limited (Administrators Appointed)
Federal Court Proceeding VID420/2025**

We act for the plaintiffs in the above proceeding.

Please see attached:

- (a) originating process filed 2 April 2025; and
- (b) affidavit of Michael Anthony Korda filed 2 April 2025.

Exhibit MAK-1 to Mr Korda's affidavit can be downloaded here:
<https://www.imanageshare-au.com/pd/1XwwXoBOKjw>

Please let us know whether you accept service of these documents on behalf of Whyalla Ports Pty Ltd.

We have requested that the Court list the proceeding for a first case management hearing on 7 April 2025.

Yours sincerely

Leon Zwier
Partner

* Encl

Partners
Mark M Leibler AC
Henry D Lanzer AM
Joseph Borensztajn AM
Leon Zwier
Philip Chester
Ross A Paterson
Stephen L Sharp
Kevin F Frawley
Zaven Mardrossian
Jonathan M Wenig
Paul Sokolowski
Paul Rubenstein
Peter M Seidel
John Mitchell
Ben Mahoney
Jonathan Milner
John Mengolian
Matthew Lees
Genevieve Sexton
Jeremy Leibler
Nathan Briner
Justin Vaatstra
Clint Harding
Susanna Ford
Tyrone McCarthy
Teresa Ward
Christine Fleer
Jeremy Lanzer
Bridget Little
Gia Cari
Jason van Grieken
Elyse Hilton
Jonathan Ortnet
Stephen Lloyd
Scott Phillips
Gavin Hammerschlag
Shaun Cartoon
Damien Cuddihy
Dorian Henneron
Rebecca Zwier
Ben Friis-O'Toole
Raphael Leibler
Gabriel Sakkal
Matthew Davies
Rachel Soh

Consultants
Jane C Sheridan
Kenneth A Gray

Special Counsel
Sam Dollard
Laila De Melo
Emily Simmons
Bridgid Cowling
Ari Watne
Brianna Youngson
Briely Trollope
Laura Cochrane
Greg Judd
Paul Chadwick

Senior Associates
Ely Bishop
Lisa Garson
Vidushee Deora
Luke Jedynak
Emily Korda
Michael Repse
Anna Sapountsis
Alexandra Harrison-Ichlov
Claire Southwell
Luise Squire
Ari Bendet
Grace Cho
Lucy Eastoe
Michelle Ainsworth
Micaela Bernfield
Crosby Radburn
Jessica Wills
George Bassil
Harriet Craig
Ellie Mason
Jessica Ortnet
Cameron Sivwright
Freeman Zhong
Ben Chahoud
Sophia Charles
Christopher Davis
Madeleine Durrant
Erin Puckridge
Jason Rudaizky

From: Laura Johns <laura.johns@nortonrosefulbright.com>
Sent: Thursday, 3 April 2025 10:14 AM
To: Leon Zwier
Cc: Nicole Flint; Raphael Leibler; Erin Puckridge; Harry Lawless; Alex Mufford; Scott Atkins
Subject: Re: OneSteel v Whyalla Ports Pty Ltd - URGENT

Dear Leon

I have received your message. You will have seen my email of 9.40am confirming our instructions to accept service on behalf of Whyalla Ports. Thank you for confirming the date and time of the listing.

We are seeking instructions on the balance of matters raised in your correspondence and will be in touch shortly. We understand this impacts the orders to be sought on Monday.

Kind regards
Laura

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From: Leon Zwier <LZwier@abl.com.au>
Sent: Thursday, April 3, 2025 10:04 am
To: Laura Johns <laura.johns@nortonrosefulbright.com>
Cc: Nicole Flint <NFlint@abl.com.au>; Raphael Leibler <RLeibler@abl.com.au>; Erin Puckridge <epuckridge@abl.com.au>
Subject: OneSteel v Whyalla Ports Pty Ltd - URGENT

External Email - Use Caution

Laura

I called a short time ago and left a message to call me back. I would like to speak to you about the matters set out below.

Can you please confirm that Norton Rose Fulbright has instructions to accept service of process on behalf of Whyalla Ports Pty Ltd. If not, I can arrange service of the process on the registered office of Whyalla Ports Pty Ltd or apply for substituted service but I would prefer not to waste the time or money doing so if that is possible. The proceeding has been brought to the attention of Whyalla Ports Pty Ltd.

Please note that the Federal Court has listed the proceeding for a case management hearing at 9-30 am on Monday 7 April 2025 before Moshinsky J. Please note Moshinsky J previously made orders and directions in relation to union representation at meetings of creditors.

Can you please also respond to our "without prejudice" proposal as it will impact upon the proposed directions and orders the Administrators will seek at the case management hearing on 7 April. As you know the Administrators would like this proceeding to be dealt with expeditiously for the reasons set out in the affidavit of Michael Korda.

We also intend to send a copy of the process to ASIC and King & Wood Mallesons the lawyers for NRW and will do so shortly.

I await your timely response to this email or a returned call.

Yours sincerely
Leon Zwier

Leon Zwier
ABL
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From: Leon Zwier
Sent: Friday, 4 April 2025 11:30 AM
To: Laura Johns
Cc: Genevieve Sexton; Raphael Leibler; Scott Atkins; Alex Mufford; Harry Lawless; Nicole Flint
Subject: Re: OneSteel Manufacturing Pty Limited (administrators appointed) and Whyalla Ports Pty Limited | Federal Court Proceeding VID420/2025 [NRF-APAC.1073247.4074507.FID3487581]
Attachments: image001.png; image002.jpg; image003.png; Letter to ABL - 3 April 2025 (311943991.1).pdf

Dear Laura,

Thank you for your letter of 4:37 pm yesterday 3 April 2025.

Set out below are our instructions.

Extreme Urgency and Dire Consequences of Delay

Our clients commenced the Federal Court proceeding because as Administrators they have a limited period of time to sell and realise the OneSteel business and assets or recapitalise OneSteel and the consequences of not doing so are so serious for OneSteel, its creditors and broader stakeholders including the township of Whyalla and the National and State's better interests. All of this is set out in detail in the affidavit of Michael Korda.

The Administrators will request the Court to hear and determine the proceeding as soon as reasonably possible unless the dispute can be resolved.

Pre-Issue Proposal Unreasonable

In your letter you describe the Whyalla Ports Pty Ltd pre-commencement proposal to the Administrators to immediately alter the current status quo by a mere 180 degree backflip in relation to property "without admission" before engaging in without prejudice discussions as "fair and reasonable". It was not.

Legal Costs Reasonably Incurred by Administrators in best interests of Creditors

In your letter you also express concerns about the Administrators incurrence of substantial legal costs by commencing legal proceeding. The Administrators disagree. The issues are of such importance to the administration it required them to commence the legal proceeding as soon as reasonably possible and to prosecute them with diligence. The Administrators seek that this dispute not only to be heard, but determined, within weeks or settled in that envelope in conformity with the objects of Part 5.3A of the Act.

When you refer to my earlier email of Friday 28 March 2025 and the use of my words "there is nothing requiring urgent relief" you take them out of context. You omitted to include the additional words that followed so it reads contextually as "... **there is nothing requiring urgent relief prior to the weekend and no proper basis for an ex parte application.**" I used those words to dissuade Whyalla Ports Pty Ltd from seeking interim relief.

Immediate Mediation - Administrators Cannot be Delayed by 4 Week Stroll

When the Administrators proposed an immediate and speedy mediation they meant just that, an immediate and speedy one and not a slow delayed drawn out process over weeks as Whyalla Ports

now proposes. The Administrators did not envisage delaying the speedy determination of the proceeding but allowing both the mediation and preparation for hearing to continue. The issues are set out in the Korda Affidavit. If your client wishes to mediate this weekend or next week, the Administrators and ABL are available for that purpose. Our clients are content for parties to attend the mediation electronically. Our clients are also content for the Court on Monday to appoint a Registrar to mediate the dispute next week if that is convenient to the Court and Whyalla Ports Pty Ltd.

The appointment of a court appointed Registrar to mediate will also avoid wasting time about which retired Judge or Senior Counsel should mediate, whether that nominee is available, what the costs will be and if so when can that person mediate.

In the meantime our client would like for the Court to set the proceeding down for hearing as soon as reasonably possible.

Proposed Orders and Directions

1. The Defendant file and serve affidavits by 5-00 pm on Monday 14 April 2025;
2. The Plaintiffs file and serve any affidavits in reply by 5 pm Thursday 17 April 2025;
3. The parties file and exchange an outline of submissions with a 15 page limit by Thursday 24 April 2025;
4. The proceeding be referred to a Registrar for mediation in the week commencing 7 April 2025;
5. The proceeding be set down for trial in the week commencing Monday 28 April 2025 or so soon thereafter as the business of the Court allows on an estimate of one day.

Yours sincerely
Leon Zwier

Leon Zwier
Arnold Bloch Leibler
21/333 Collins Street
Melbourne 3000
Australia

lzwier@abl.com.au
+ 613 9229 9646
+ 61 439381683

On 3 Apr 2025, at 16:37, Laura Johns <laura.johns@nortonrosefulbright.com> wrote:

Dear Mr Zwier

Please see attached correspondence.
Kind regards

Laura Johns | Partner
Norton Rose Fulbright Australia
Level 5, 60 Martin Place, Sydney, Australia
Tel +61 2 9330 8101 | Mob +61 433 935 174 | Fax +61 2 9330 8111
laura.johns@nortonrosefulbright.com

NORTON ROSE FULBRIGHT
nortonrosefulbright.com

From: Nicole Flint <NFlint@abl.com.au> **On Behalf Of** Leon Zwier
Sent: Wednesday, 2 April 2025 5:41 PM
To: Laura Johns <laura.johns@nortonrosefulbright.com>; Scott Atkins <scott.atkins@nortonrosefulbright.com>; Alex Mufford <alex.mufford@nortonrosefulbright.com>; Harry Lawless <harry.lawless@nortonrosefulbright.com>
Cc: Genevieve Sexton <GSexton@abl.com.au>; Raphael Leibler <RLeibler@abl.com.au>
Subject: OneSteel Manufacturing Pty Limited (administrators appointed) and Whyalla Ports Pty Limited | Federal Court Proceeding VID420/2025

External Email - Use Caution

Please see **attached** letter.

Downloaded link (referred to in attached letter : <https://www.imanageshare-au.com/pd/1XwwXoBOKjw>)

Leon Zwier | Partner

Arnold Bloch Leibler
Level 21, 333 Collins Street, Melbourne Victoria 3000
E: LZwier@abl.com.au | T: +61 3 9229 9607 | M: +61 439 381 683 | [Vcard](#)

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3 April 2025

Email: LZwier@abl.com.au

Leon Zwier
Partner
Arnold Bloch Leibler
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Melbourne Victoria 3000

Norton Rose Fulbright Australia
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AUSTRALIA

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Dear Mr Zwier

**OneSteel Manufacturing Pty Limited (administrators appointed) and Whyalla Ports Pty Limited |
Federal Court Proceeding VID420/2025**

We refer to the "Notice of Termination and Re-Possession of Premises" dated 27 March 2025 (**Notice**), the proceedings commenced yesterday by your client in the Federal Court of Australia (**Court Proceedings**), and your letter dated 2 April 2025 which was written on a "without prejudice" basis.

Our client's fair and reasonable proposal was for your clients to withdraw their Notice on a without admissions basis to allow for an exchange of relevant information and time for the commercial discussion that you now propose to occur. It is unclear to our client why your clients considered it necessary to incur what we anticipate being substantial costs bringing an application for urgent relief. In your email of Friday 28 March 2025 your position was that "there is nothing that requires urgent relief". Yesterday, the same dispute arising from the same set of facts was apparently so urgent as to require the commencement of proceedings without any notice to our client.

Our client is a substantial creditor of OneSteel for both pre and post appointment liabilities and so our client is naturally concerned about the costs being incurred by your clients.

Despite our client's concerns about this conduct, our client is of course prepared to engage in a without prejudice mediation regarding the matters in dispute. Our client remains content to try to resolve matters at a commercial level, as it has been trying to do prior to the Notice and as we had proposed in our earlier correspondence. Our client is engaging with its secured creditor regarding these matters, and we anticipate it may also need to be involved in any mediation.

We suggest that your clients' proceedings be adjourned for four weeks. We agree with your suggestion that a suitable retired Judge or senior barrister should be engaged as mediator with a face-to-face mediation to be convened at a mutually convenient time. The proposed timetable factors in the likely availability constraints of suitable mediators but reflects the desire on both sides for this matter to be resolved. Please confirm if this is agreed.

For clarity, our proposed orders for the proceedings do not prevent the parties from continuing with the direct commercial discussions that are currently underway with a view to resolving matters by close of business tomorrow and before any listing in the proceeding.

APAC-#311943991-v1

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3 April 2025

 NORTON ROSE FULBRIGHT

It is separately apparent from your clients' evidence that they already have access to much of the material sought in your correspondence over the last week. We anticipate that our client may have some additional requests for information in advance of any mediation. In the interests of maximising the chances of the parties achieving a negotiated outcome of this dispute, we hope that your clients will be prepared to cooperate and assist with these requests. We will forward these requests under separate cover to extent they remain necessary.

In the meantime, we await confirmation as to whether our proposed orders for the Proceeding are agreed and please provide proposed consent orders to this effect.

Our client reserves all its rights, including its right to rely on this correspondence with respect to any issue regarding its costs.

Yours faithfully



Laura Johns
Partner
Norton Rose Fulbright Australia

From: Jennifer Reynolds <Jennifer.Reynolds@asic.gov.au>
Sent: Friday, 4 April 2025 2:17 PM
To: Leon Zwier
Cc: Raphael Leibler; Tom O'Shea; Nicole Flint; Lamees Mchawrab
Subject: RE: In the Matter of OneSteel Manufacturing Pty Limited (Administrators Appointed) | Federal Court Proceeding VID420/2025 [SEC=OFFICIAL]

Leon,

ASIC considers this is a matter properly left for the determination of the Court and confirms that it does not propose to be heard.

ASIC's decision is based on the principles set out in ASIC Information Sheet 180 ASIC's approach to involvement in private court proceedings, including:

1. whether intervention is of strategic regulatory significance;
2. whether the benefits of intervention outweigh the costs of doing so;
3. whether issues specific to the case warrant intervention; and
4. whether alternatives are available, including appearing as amicus curiae or taking action ourselves.

ASIC has not formed the view that any aspect of your clients' application requires regulatory intervention or warrants the making of submissions before the Court by ASIC.

This email should not be taken as an expression of support for, or opposition to, the orders sought in the Application.

Would you please keep ASIC updated on the status and outcome of the proceeding.

Regards,

Jennifer Reynolds (she/her)
Senior Manager, Registered Liquidators
Enforcement & Compliance

Australian Securities and Investments Commission

Level 7, 120 Collins Street Melbourne VIC 3000
Mobile: 0478 542 713
jennifer.reynolds@asic.gov.au



ASIC

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ASIC is committed to [diversity and inclusion](#). ASIC is a place of belonging regardless of difference, where all individuals are accepted, safe and affirmed.

From: Leon Zwier <LZwier@abl.com.au>
Sent: Friday, 4 April 2025 12:59 PM
To: Jennifer Reynolds <Jennifer.Reynolds@asic.gov.au>

Cc: Raphael Leibler <RLeibler@abl.com.au>; Tom O'Shea <Tom.OShea@asic.gov.au>; Nicole Flint <NFlint@abl.com.au>
Subject: RE: In the Matter of OneSteel Manufacturing Pty Limited (Administrators Appointed) | Federal Court Proceeding VID420/2025 [SEC=OFFICIAL]

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Jennifer,

As you know the proceeding is listed for case management on Monday 7 April 2025.

The proceeding seeks relief directed to the Lease (ass defined in the Affidavit of Korda) and Notice of Termination and Re-Possession which are plainly directed at matters solely concerning Whyalla Ports Pty Ltd. The Administrators are also seeking relief under section 447A of the Corporations Act seeking the court to modify the Part and give the Administrators a general disclaimer power akin to a Liquidator's disclaimer power.

Granting a disclaimer power to voluntary administrators under section 447A may be unprecedented but we will submit to the Court that it is within the power of the Court to grant such relief under section 447A. As you may be aware a similar disclaimer power was granted to the Arrium Deed Administrators in the Arrium DOCAs by resolution of the creditors at Second Creditors Meeting.

Would you be kind enough to let me know whether ASIC wishes to oppose, support or remain neutral in relation to the proceeding as we would like to inform the Court of ASIC's position .

Best regards
Leon

Leon Zwier | Partner

Arnold Bloch Leibler
Level 21, 333 Collins Street, Melbourne Victoria 3000
E: LZwier@abl.com.au | T: +61 3 9229 9607 | M: +61 439 381 683 | [Vcard](#)

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Arnold Bloch Leibler
Lawyers and Advisers

From: Jennifer Reynolds <Jennifer.Reynolds@asic.gov.au>
Sent: Thursday, 3 April 2025 2:52 PM
To: Leon Zwier <LZwier@abl.com.au>
Cc: Raphael Leibler <RLeibler@abl.com.au>; Tom O'Shea <Tom.OShea@asic.gov.au>
Subject: RE: In the Matter of OneSteel Manufacturing Pty Limited (Administrators Appointed) | Federal Court Proceeding VID420/2025 [SEC=OFFICIAL]

Thank you Leon, I acknowledge receipt.

Jennifer Reynolds (she/her)
Senior Manager, Registered Liquidators
Enforcement & Compliance

Australian Securities and Investments Commission

Level 7, 120 Collins Street Melbourne VIC 3000
Mobile: 0478 542 713
jennifer.reynolds@asic.gov.au



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From: Nicole Flint <NFlint@abl.com.au> **On Behalf Of** Leon Zwier

Sent: Thursday, 3 April 2025 1:27 PM

To: Jennifer Reynolds <Jennifer.Reynolds@asic.gov.au>; Tom O'Shea <Tom.OShea@asic.gov.au>

Cc: Raphael Leibler <RLeibler@abl.com.au>

Subject: In the Matter of OneSteel Manufacturing Pty Limited (Administrators Appointed) | Federal Court Proceeding VID420/2025

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Please see **attached** letter.

Downloaded link (referred to in attached letter : <https://www.imanageshare-au.com/pd/1XwwXoBOKjw>)

Leon Zwier | Partner

Arnold Bloch Leibler

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Arnold Bloch Leibler

Lawyers and Advisers

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Arnold Bloch Leibler

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MELBOURNE
SYDNEY

3 April 2025

By email

Jennifer Reynolds
Senior Manager, Registered Liquidators
Enforcement & Compliance
Australian Securities and Investments Commission
Level 7 120 Collins Street Melbourne VIC 3000
jennifer.reynolds@asic.gov.au

Your Ref

File No. 011929197

Partner
Leon Zwier
Direct +61 3 9229 9607
lzwier@abl.com.au

Dear Jennifer,

In the Matter of OneSteel Manufacturing Pty Limited (Administrators Appointed) Federal Court Proceeding VID420/2025

We act for the plaintiffs in the above proceeding.

Please see attached:

- (a) originating process filed 2 April 2025; and
- (b) affidavit of Michael Anthony Korda filed 2 April 2025.

Exhibit MAK-1 to Mr Korda's affidavit can be downloaded here:

<https://www.imanageshare-au.com/pd/1XwwXoBOKjw>

Kindly note that the proceeding has been listed for a first case management hearing before Justice Moshinsky at 9:30 am on 7 April 2025.

Yours sincerely

Leon Zwier
Partner

* Encl

Partners
Mark M Leibler AC
Henry D Lanzer AM
Joseph Borenszajn AM
Leon Zwier
Philip Chesler
Ross A Paterson
Stephen L Sharp
Kevin F Frawley
Zaven Mardirossian
Jonathan M Wenig
Paul Sokolowski
Paul Rubenstein
Peter M Seidel
John Mitchell
Ben Mahoney
Jonathan Milner
John Mengolian
Matthew Lees
Genevieve Sexton
Jeremy Leibler
Nathan Briner
Justin Vaatsra
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Tyrone McCarthy
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Luise Squire
Ari Bendet
Grace Cho
Lucy Eastoe
Michelle Ainsworth
Micaela Bernfield
Crosby Radburn
Jessica Wills
George Bassil
Harriel Craig
Ellie Mason
Jessica Ortner
Cameron Sivwright
Freeman Zhong
Ben Chahoud
Sophia Charles
Christopher Davis
Madeleine Durrant
Erin Puckridge
Jason Rudaizky

From: Nicole Flint on behalf of Leon Zwier
Sent: Thursday, 3 April 2025 1:28 PM
To: Nathan.Collins@au.kwm.com; Tracey.Dembo@au.kwm.com;
Michael.Garbellini@au.kwm.com
Cc: Raphael Leibler
Subject: In the Matter of OneSteel Manufacturing Pty Limited (Administrators Appointed) | Federal Court Proceeding VID420/2025
Attachments: ABL letter to KWM (3 April 2025).pdf; P_VID420_2025 Sealed Originating Process.pdf; P_VID420_2025_Sealed Affidavit.pdf

Please see **attached** letter.

Downloaded link (referred to in attached letter : <https://www.imanageshare-au.com/pd/1XwwXoBOKjw>)

Leon Zwier | Partner

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Arnold Bloch Leibler
Lawyers and Advisers



MELBOURNE
SYDNEY

3 April 2025

By email

Nathan Collins
Partner
King & Wood Mallesons
Nathan.Collins@au.kwm.com

Your Ref

File No. 011929197

Partner
Leon Zwier
Direct +61 3 9229 9607
lzwier@abl.com.au

Dear Nathan,

**In the Matter of OneSteel Manufacturing Pty Limited (Administrators Appointed)
Federal Court Proceeding VID420/2025**

We act for the plaintiffs in the above proceeding.

We note that you act for NRW Holdings Limited and Golding Contractors Pty Limited.

Please see attached:

- (a) originating process filed 2 April 2025; and
- (b) affidavit of Michael Anthony Korda filed 2 April 2025.

Exhibit MAK-1 to Mr Korda's affidavit can be downloaded here:

<https://www.imanageshare-au.com/pd/1XwwXoBOKjw>

Kindly note that the proceeding has been listed for a first case management hearing before Justice Moshinsky at 9:30 am on 7 April 2025.

Yours sincerely

Leon Zwier
Partner

* Encl

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Leon Zwier
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Ross A Paterson
Stephen L Sharp
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